


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: 29 SEP 1982

SUBJECT: Recommendation on California Division of Oil and Gas' Application
for Primacy Over the Class II Portion of the UIC Program

FROM: Sonia F. Crow 
Regional Administrator, Region 9

TO: Anne M. Gorsuch
Administrator, EPA

I recommend that the California Division of Oil and Gas (CDOG) be granted primary enforcement authority over the Class II portion of the Underground Injection Control (UIC) program for the State of California.

The region has reviewed CDOG's application and has determined that it meets the requirements of Section 1425 of the Safe Drinking Water Act.

The application, which is attached, includes the original application dated April, 1981 and clarifications or modifications dated March 29, 1982 and September 28, 1982. Other attachments include:

- 1) a Memorandum of Agreement signed by the State Oil and Gas Supervisor and myself;
- 2) a draft Federal Register public notice granting primacy to California; and
- 3) a typesetting request.

Attachments

ENVIRONMENTAL PROTECTION AGENCY
40 CFR PART 123
CALIFORNIA DIVISION OF OIL AND GAS
UNDERGROUND INJECTION CONTROL
PROGRAM APPROVAL

AGENCY: Environmental Protection Agency

ACTION: Approval of State Program

SUMMARY: The State of California has submitted an application under Section 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Class II oil and natural gas related injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's injection well program for Class II wells meets the requirements of Section 1425 of the Act. Therefore, this application covering Class II injections is approved.

EFFECTIVE DATE: This approval is effective [30 days after publication in the Federal Register].

FOR FURTHER INFORMATION CONTACT: Nathan Lau, Water Management Division, U.S. Environmental Protection Agency, 215 Fremont

Street, San Francisco, California 94105, (415) 974-8274. Copies of the responsiveness summary are available from the above address.

SUPPLEMENTAL INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the Federal Register each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The SDWA was amended on December 5, 1980, to include Section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions

of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Consolidated Permits Regulations (40 CFR Parts 122, 123 and 124) and related Technical Criteria and Standards

(40 CFR 146), a State may demonstrate that its program meets the more general statutory requirements of Section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of California was listed as needing a UIC program on September 25, 1978 (43 FR 43420). The State submitted an application under Section 1425 on April 20, 1982, for the approval of a UIC program governing Class II injection wells to be administered by the Division of Oil and Gas (CDOG). After some clarification of the application, EPA published notice on May 4, 1982 of its receipt of the application, requested public comments, and scheduled a public hearing on the UIC program submitted by the CDOG (47 FR 19172). Public hearings were held on June 1, 1982 in Bakersfield, California and on June 3, 1982 in San Francisco, California. After careful review of the application and comments received from the public, I have determined that the California UIC program submitted by the CDOG for Class II injection wells meets the requirements of Section 1425 of the SDWA, and hereby approve it.

In this application, California chose not to assert jurisdiction over Indian lands or reservations for purposes of its Class II UIC program. Therefore, the Environmental Protection Agency

will, at a future date, prescribe a UIC program governing injection wells on any Indian lands or reservations in California.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

Hazardous materials

Indians - lands

Reporting and recordkeeping requirements

Waste treatment and disposal

Water pollution control

Water supply

Intergovernmental relations

Penalties

Confidential business information

OMB REVIEW: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

CERTIFICATION UNDER THE REGULATORY FLEXIBILITY ACT:

Pursuant to the provisions of 5 U.S.C. §605(b), I certify that approval by EPA under Section 1425 of the Safe Drinking Water Act of the application by the California Division of Oil and Gas will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated _____

Anne M. Gorsuch
Administrator

40 CFR Part 123

California Division of Oil and Gas
Underground Injection Control
Program Approval

AGENCY: Environmental Protection Agency

ACTION: Approval of State Program

SUMMARY: The State of California has submitted an application under Section 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Class II wells. After careful review of the application and comments received from the public, the Agency has determined that the State's injection well program for Class II oil and natural gas related wells meets the requirements of Section 1425 of the Act. Therefore, this application covering Class II wells is approved.

EFFECTIVE DATE: This approval is effective October 15, 1982.

FOR FURTHER INFORMATION CONTACT: Nathan Lau, Water Management Division, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, (415) 974-8274. Copies of the responsiveness summary are available from the above address.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA or Act) establishes a national program to protect underground sources of drinking water from endangerment by underground injections through wells. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective state underground injection control (UIC) programs. Section 1422 requires that each state submit an application to administer a UIC program, which must meet the requirements of regulations in effect under Section 1421 to gain EPA approval.

The SDWA was amended on December 5, 1980, to include Section 1425 which establishes an alternative method by which a state may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Consolidated Permit Regulations (40 CFR Parts 122, 123 and 124) and related Technical Criteria and Standards (40 CFR 146), a State may demonstrate that its program meets the more general statutory requirements of Section 1421(b)(1)(A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of California submitted an application under Section 1425 on April 20, 1981, for the approval of a UIC program governing Class II injection wells to be administered by the Division of Oil and Gas (CDOG). After some clarification of the application, EPA published notice on May 4, 1982 of its receipt of the application, requested public comments, and scheduled a public hearing on the UIC program submitted by the CDOG (47 FR 19172). Public hearings were held on June 1, 1982 in Bakersfield, California and on June 3, 1982 in San Francisco, California. After careful review of the application and comments received from the public, I have determined that the California UIC program submitted by the CDOG meets the requirements of Section 1425 of the SDWA, and hereby approve it. In this application, California chose not to assert jurisdiction over Indian lands or reservations for purposes of its Class II UIC program. Therefore, the EPA will, at a future date, prescribe an UIC program governing injection wells on any Indian lands or reservations in California.

EPA is publishing this approval effective immediately so that the California Division of Oil and Gas can begin issuing UIC permits for those injection wells under its jurisdiction.

List of Subjects in 40 CFR 123

Hazardous materials, Indians - lands, Reporting and record keeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information

OMB Approval

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1425 of the Safe Drinking Water Act of an application by the California Division of Oil and Gas will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: _____

Administrator: _____